

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

EDDY’S INDEPENDENT GROUP, LLC,)	
)	
Plaintiff/Counterdefendant,)	
)	
v.)	Case No. 20-1203-EFM-GEB
)	
SRA INSURANCE AGENCY, LLC,)	
)	
Defendant/Counterclaimant.)	
)	

ORDER

This matter is before the Court on Defendant / Counter Claimant SRA Insurance Agency, LLC (“SRA”)’s motion for leave to amend its Answer to add a counterclaim (**ECF No. 26**). SRA filed its motion on December 4, 2020, making any response to the motion due December 18, 2020. No response in opposition was filed. Therefore, the motion is uncontested and may be granted without further notice pursuant to D. Kan. Rule 7.4.

Additionally, in its discretion, the Court finds the balance of factors weigh in favor of amendment of the answer as analyzed under Fed. R. Civ. P. 15(a)(2), and justice requires amendment.¹ Furthermore, pursuant to Fed. R. Civ. P. 13(e) “[t]he court may permit a

¹ Under Fed. R. Civ. P. 15(a)(2), the court considers a number of factors in deciding whether to allow an amendment, including timeliness, prejudice to the other party, bad faith, and futility of amendment. *Minter v. Prime Equip. Co.*, 451 F.3d 1196, 1204 (10th Cir. 2006) (quoting *Foman v. Davis*, 371 U.S. 178, 182 (1962)); *see also Monge v. St. Francis Health Ctr., Inc.*, No. 12–2269–EFM–JPO, 2013 WL 328957, at *2 (D. Kan. Jan. 10, 2013), *report and recommendation adopted*, 2013 WL 328986 (D. Kan. Jan. 29, 2013). Rule 15(a)(2) provides leave “shall be freely given when justice so requires,” and the decision to allow an amendment is within the sound discretion of the court. *See J. Vangel Elec., Inc. v. Sugar Creek Packing Co.*, No. 11–2112–EFM, 2012 WL 5995283, at *2 (D. Kan. Nov. 30, 2012) (citing *Panis v. Mission Hills Bank*, 60 F.3d 1486, 1494 (10th Cir. 1995)).

party to file a supplemental pleading asserting a counterclaim that matured or was acquired by the party after serving an earlier pleading,” as SRA alleges in its motion.

IT IS THEREFORE ORDERED that SRA Insurance Agency, LLC’s motion for leave to amend its Answer to add a counterclaim (**ECF No. 26**) is **GRANTED**. SRA shall file its Amended Answer no later than **January 6, 2021**.

IT IS SO ORDERED.

Dated at Wichita, Kansas this 23rd day of December, 2020.

s/ Gwynne E. Birzer
GWYNNE E. BIRZER
United States Magistrate Judge